

## **ATTACHMENT A**

### **Remarks**

Claims 1 through 6 remain under consideration, with each claim having been amended. Reconsideration of the amended claims is respectfully requested.

The foregoing amendments are believed to overcome the rejection of the claims under 35 U.S.C. § 112. The phrase “of the type”, which was considered objectionable has been removed, while the antecedent basis for all terms used is now believed to be clear. Other amendments are believed to clarify the distinctions between the applicant’s invention and the cited prior art.

It is of fundamental importance that the elevation mechanism of the present invention (the mechanism as a whole) has two major components. One of these is the stabilizer that in the “use” position of the mechanism stabilizes the snowmobile against tipping. The other major component is the lift (previously referred to as the “lifting mechanism”) which raises the rear end of the snowmobile to the “use” position and simultaneously deploys the stabilizer to its “use” condition. The lift also returns the stabilizer to its “transport” condition when lowering the snowmobile. The claims have been amended to emphasize this combination of elements and the characteristics that make it work with a snowmobile.

Claims 1 through 6 have been rejected as unpatentable over Ouellette in view of Navarrete. Reconsideration is respectfully requested.

Ouellette discloses, in Figures 1-4 and the related text, an embodiment of a lift equivalent to the lift component of the applicant’s claimed mechanism. The lift includes a frame 3 having a base 2 and two arms 4. The frame arms are mounted on respective links 8 with sliding pivots, while the links are pivotally mounted on opposite sides of the snowmobile. The lift embodiment in Figure 5 includes a fluid (hydraulic or pneumatic) cylinder 24, which is connected to the snowmobile at the same mounting point as the frame links, and to the frame 3 to cause the frame to slide along the links. It is of

importance to note that the cylinder does not lift the snowmobile 24 off the ground, it simply moves the frame 3 on its slide connection to the links. Raising of the snowmobile is performed manually. Consequently, Ouellette does not have an equivalent to the applicant's lift, either structurally or functionally. Additionally, the Ouellette cylinder 24 is connected to the snowmobile at the mounting point for the links 8, well in front of the rear end of the snowmobile, not at the rear end of the snowmobile where the applicant's lift mount is connected. This positions the lift clear of the drive track.

Navarrete discloses a motorcycle stand that could not be used on a snowmobile, since the stand component *per se* is an inverted U configuration, mounted on the motorcycle frame at the center of the bight. This mounting would be impossible with the drive track of the snowmobile. The toggle joint 36, 39 that has been equated to the applicant's lift does not have its upper end mounted on the rear end of the motorcycle. There is no disclosure of a lift mount that would be capable of such mounting at the rear end of a snowmobile, rearwardly of the drive track. The claims, as amended, recite, inter alia, a lift component that is positioned rearwardly from the drive track, something that is neither disclosed nor suggested in the prior art. This positioning is important for a snowmobile, both to clear the drive track and to avoid obstructions projecting from the machine that have a potential for snagging, for example on surrounding bush.

Claims 1 through 6 have also been rejected under 35 USC 103(a) as being unpatentable over Ouellette in view of Hammond. This rejection is respectfully traversed.

The deficiencies of the Ouellette patent as a reference against the amended claims have been discussed above. The Hammond patent merely discloses a scissors jack and clearly does not make up the aforementioned deficiencies of Ouellette. Thus, given the actual teachings of these two references, it is respectfully submitted that the

proposed combination is not an obvious one and that, moreover, no fair combination of the two references would result in the present invention as claimed.

In summary, the applicant's elevation mechanism is effective and stable in use, while being compact and unobtrusive in its transport position. The claims presented set forth structural features of the invention that result in these advantages and, it is respectfully submitted, patentably define over the prior art.

Allowance of the application in its present form is respectfully solicited.